ANIMAL LAW SEMINAR  
Law 637 – Spring 2016  
George Mason University Law School  
Professor Ralph Henry  
Room TBD – Monday 6:00-7:50 p.m.

Contact Information:

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Course Materials:

Assigned cases/articles are available through Westlaw or will be provided in advance of class.


Course Description:

This seminar offers a practical survey of litigation and legislative efforts on behalf of animals at the local, state, and national level. The course will address the historical status of animals in the law; the current application of animal protection laws to captive animals, wildlife, and farm and other domesticated animals; legislative efforts and citizen initiatives to strengthen animal protection laws; the role of international conventions and other laws concerning trade in animals and animal products; and the limitations on implementation and enforcement of laws addressing anti-cruelty, hunting and trapping, and animal fighting. Emerging areas of animal law, such as veterinary malpractice and other animal-related torts; the use of consumer protection statutes to address animal welfare concerns; and the impacts of free speech, religious expression, and other Constitutional provisions on animal protection statutes will be explored. The course will also address legal constraints on animal advocacy, and the movement to obtain legal recognition of the rights of animals.

Evaluation:

Students will receive a single final course grade based upon a completed final research paper. Because this is a seminar, class attendance and participation are an important component of a successful course and students are expected to be prepared for substantive discussions of the assigned material. Pursuant to George Mason Law School policy, final grades may be adjusted up or down by a single increment (e.g., from a B+ to an A-) based upon participation.

Final research papers are due on May 8, 2016 and should be at least 20 pages of typed, double-spaced text, with one inch margins and no less than 12 point type. All papers must be paginated at the bottom of each page, and sources must be cited in footnotes rather than end notes. Please put your name at the top of the first page!!
Proposed paper topics are due on or before March 26, 2016, and outlines must be submitted on or before April 9, 2016. From my experience teaching this seminar, students who choose a topic and begin work early tend to have the best final papers and I encourage you to check-in with me during the course to ensure that you are working towards a quality end product.

Reading Assignments:

This syllabus sets forth the basic reading assignments for each class session. The syllabus will likely be supplemented each week with additional materials as Animal Law is a rapidly evolving subject area and major cases are decided regularly. Every effort will be made to discuss the topics and assignments as indicated in the syllabus. However, exact dates for discussion of particular assignments may change as the semester progresses, and there may be occasions where the subject from one class will carry over to the next. Students will receive advance notice of any variance from the schedule in the syllabus.

Schedule and Assignments

Session 1 – January 11, 2016

Introductions, overview, and discussion of course requirements. Outline of major topic areas of the course. Discussion of potential topics and requirements for research papers. Overview and history of state, federal, and international laws and regulations pertaining to wild and captive animals.


Session 2 – January 25, 2016

Animal protection litigation in state and federal courts – Part I: Building a case and establishing standing

Sierra Club v. Morton, 405 U.S. 727 (1972)
HSUS v. Hodel, 840 F.2d 45 (D.C. Cir. 1988)

Session 3 – February 1, 2016

Animal protection litigation in state and federal courts – Part II: Causes of action and judicial review; strategic considerations in litigation

Seeton v. Pennsylvanita Game Com’n, 594 Pa. 563 (Pa. 2007)
ALDF v. Woodley, 181 N.C.App. 594 (N.C. App. 2007)
Session 4 – February 8, 2016

Laws and regulations concerning companion animals and animal cruelty; including puppy mills and breeding, sales and adoptions, and hoarding

Doris Day Animal League v. Veneman, 315 F.3d 297 (3rd Cir. 2003)

Session 5 – February 15, 2016

Laws and regulations concerning companion animals and animal cruelty; animal fighting

White v. United States, 605 F.3d 545 (6th Cir. 2010)
United States v. Gibert, 677 F.3d 613 (4th Cir. 2012)
G. MacDonald, Police investigate potential dog fighting rings in Fairfax County,
LOUDOUN TIMES (Sept. 17, 2012)

Session 6 – February 22, 2016

Current developments in animal law: Guest speakers – tentatively scheduled topics =
Constitutionality of “Ag-gag” legislation.

[reading may be assigned in advance of class]

Session 7 – February 29, 2016

Laws and regulations concerning farm animals; including laws prohibiting particular forms of confinement, and providing for humane slaughter and transport

Cavel Int’l, Inc. v. Madigan, 500 F.3d 551 (7th Cir. 2007)

Session 8 – March 14, 2016

Laws and regulations concerning captive animals; including animals used in research and experimentation, performing animals and animals used in other exhibitions

Session 9 – March 21, 2016

Laws and regulations concerning wildlife; including protection of threatened and endangered species, marine mammals, wild horses and burros, and the national wildlife refuge and national park systems and other wildlife habitats, as well as prohibitions on poaching and interstate commerce in wildlife, and control of wildlife damage to other natural resources and livestock

-CHL v. Richardson, 540 F.2d 1141 (D.C.Cir. 1976)
-AWI v. Kreps, 561 F.2d 1002 (D.C. Cir. 1977)
-HSUS v. Locke, 626 F.3d 1040 (9th Cir. 2010)

-Handout on Animal Damage Control Act/Wildlife Services

***Research paper topics are to be submitted on or before March 26, 2016 by email

Session 10 – March 28, 2016

International trade issues involving animals; including CITES and other international agreement, and World Trade Organization disputes


Session 11 – April 4, 2016

Torts relating to animals; including damages relating to emotional distress, loss of companionship, and veterinary malpractice

-Rabideau v. City of Racine, 243 Wis.2d 486 (Wisc. Sup.Ct. 2001)
-Burgess v. Taylor, 44 S.W.3d 806 (Ky. Ct.App. 2001)
-Barrios v. Safeway, 97 So.3d 1019 (La. Ct.App., 2012)
-S. Gay, Companion Animal Capital, 17 ANIMAL LAW 77 (2011)

***Research paper outlines are to be submitted on or before April 9, 2016 by email

Session 12 – April 11, 2016

Brief presentations of research paper topics by students; discussion of issues and ideas, review and feedback
Session 12 may also be used for discussion of materials and information that we were unable to cover in prior sessions, or for any animal law issues or topics not otherwise covered in this course that students would like to discuss.

Session 13 – April 18, 2016

State and federal legislative processes for enacting animal protection laws – issues in legislative drafting, lobbying, citizen initiatives and referenda and grass roots activities


Session 14 – April 21, 2016 (Thursday)

Constitutional limitations on animal protection advocacy – First Amendment freedoms of speech and religion, and other legal constraints on animal advocacy, including libel and defamation, invasion of privacy, and the Animal Enterprise Terrorism Act

State v. Miner, 556 N.W.2d 578 (Minn.Ct.App. 1996)

***Final research papers are to be submitted on or before May 8, 2016